

VAIL'S GROVE COOPERATIVE, INC.

BOARD OF DIRECTOR'S MEETING

November 16, 2010

CALL TO ORDER:

Chairperson Victoria Desidero called the meeting to order at 8:05 pm and asked all to rise for the Pledge of Allegiance.

ATTENDANCE:

Ms. Enos took attendance: Present: Mr. Cassidy, Ms. Desidero, Mr. Duffy, Ms. Enos, Mr. McGuinness, Ms. Mytych, Ms. Myers, Ms. Rubini, Mr. Ryan, Ms. Waltzer, Mr. Witte. Absent: Mr. Norcross.

ACCEPTANCE OF MINUTES:

Ms. Enos made a motion to accept the minutes of the October 2010 Board meeting, pursuant to some minor editing changes. Ms. Waltzer seconded. Ms. Myers and Mr. Cassidy abstained. All others in favor. Motion passed.

COMMENTS & CONCERNS OF STOCKHOLDERS:

Ms. Battreall read about a local Brewster Marine, William McKenzie, who is returning home to Brewster on Saturday, November 20th and that there are plans for a welcoming on Rte 6 in Brewster, if anyone would be interested in attending.

COMMITTEE REPORTS

CHAIRPERSON:

No Report

VICE-CHAIRPERSON:

No Report

OMBUDSMAN:

No Report

LEGAL:

Ms. Rubini reported about the ongoing issue between Costello at 105 Vail's Lake Shore Drive and Dress at 107 Vail's Lake Shore Drive. The Board had decided to have independent Dye Tests done on the two premises. The Dress house passed the Dye Test. The Costello's at first agreed to the test, and then retracted their agreement. Mr. Costello will be fined \$100 as of November 12th and then \$25 a day until the access for the Dye Test is done. Ms. Rubini will write a letter to be sent to Mr. Costello.

RECREATION:

Ms. Rubini reported that the Halloween Party was a lot of fun. The Christmas Party will be on December 18th at 4 pm. A Cookie Exchange will be on Sunday, December 12th at 2:00 pm.

VICE-PRESIDENT:

Mr. Duffy reported that in the Executive Session, the 2011 Draft Budget was discussed, as well as six stockholders who are two quarters in arrears. Also discussed were infrastructure issues and Southeast Tax issues.

WWTP:

Mr. Duffy reported that paving has been done on Orchard, Terrace, Locust, Ramp 2, White Oak, Ramp 4 and Ramp 5. Paving on Vail's Lake Shore Drive will be right after Thanksgiving. All reclamation is complete. All pipes are completed down to 119 Vail's Lake Shore Drive. Mr. Duffy stated that this is an "almost a million dollar" paving project that we were lucky to get due to the WWTP. Mr. Duffy reported that we have gotten a lot of curbing and a lot of asphalt work done.

Ms. Desidero reported that a letter was sent to the Supervisors of the Town of Southeast and North Salem regarding the area of Vail's Grove that is being used as a retention basin (without our permission) They did have the DEP come out to look at the proposed alternative and it can go at this other area. Now, they need to determine if moving this basin is fiscally better than purchasing the land it is on now from us. Ms. Desidero stated that we want to be compensated for them being on our property and that it would be in our best interest if they wanted to purchase the land that they are using, rather than them moving the basin, as we have a lot of infrastructure going on. Mr. Moore stated that speed bumps would be installed in the spring.

TREASURER:

Ms. Mytych stated that in the Executive Session, she gave out a draft of the 2011 budget for the Board to review. She will be following up with back-up information and hopes to

have approval of the Budget at the December Board meeting. Ms. Mytych made a motion to send six stockholders to legal for collection to begin. Mr. Cassidy seconded. Ms. Rubini abstained. All others in favor. Motion passed.

SURVEY REVIEW:

Ms. Mytych reported that the Committee does have a survey to review and a time for a meeting needs to be set up with the committee. She hopes to have that completed prior to the next Board meeting.

SECRETARY:

Ms. Enos stated that the new Directory is complete and will be mailed when the Vail's Voice is ready. The deadline for submissions to the Vail's Voice is this Friday, November 19th. The office is closed on Wednesday, November 24th, Thursday, November 25th and Friday, November 26th. Follow-up updates should be reported throughout the meeting when each Board member has their report.

SUNSHINE:

Ms. Enos reported that Ali Cull has been in a very serious car accident and is currently in Westchester Medical Center. Claire and Jim Cull are hoping she is being transferred to Helen Hayes Rehab by the end of next week. Ali had some very extensive surgery and will need to rehab for many months. All cards should be sent to the home address and something will be written in the Vail's Voice.

We are happy to hear that John Myers is home from the hospital and recuperating. Adeline Natiello also recently underwent a procedure and is recuperating as well.

We were saddened to hear of the passing of Frank Cassidy's father, Francis, on October 24th.

BUILDINGS & GROUNDS:

Jay Moore reported about two water leaks this month, which have been repaired. One was at 65 VLSD and one at 10 White Oak. Docks are out and some are in need of repair. 9 or 10 floats at the beach need to be fixed. New locations for some of the docks will be discussed as time goes by. Mr. Waltzer sent a note regarding the "high" roads, at some home entrances, where water is pooling. Mr. Waltzer feels that's in his opinion, this should be a homeowner expense as these issues are to ensure proper rainfall run-off. Homeowners will be gaining the benefit of not having water in basements, etc. The Board may deem it appropriate to pay for these, but Mr. Waltzer thinks the homeowner should pay. Ms. Desidero said we will need to take each issue separately and that she does not know if this should be a stockholder issue. Mr. Moore reported that the berm at

82 VLSD has been installed, the grate at 36 VLSD has been raised and, as previously stated, dock repair and additional dock space will be further discussed.

Ms. Mytych asked Mr. Moore about having the floor in the pavilion cleaned better for the Yoga classes.

Mr. Moore also reported that on VLSD past the beach, dirt was brought in, which has decreased the width of the road. The question is: should we leave it the way that it has been in the past? Mr. Moore said that there have been complaints that that the road is being grassed along the edges and now people cannot use it for parking. Mr. Duffy suggests that it be discussed with Stearns & Wheler and to go with what the safety issue would be. Ms. Desidero asked if Mr. Duffy, Mr. Waltzer and Mr. Moore could discuss it and come to a decision.

PUMPHOUSE:

No Report

REAL ESTATE:

Michael Davies reviewed the plans submitted by Vito Errico at 3 Vail's Lake Shore Drive. These are new plans, which basically fits all the criteria of the boundaries. The house would be one foot wider than it is now. The height is no more than 30 feet. Ms. Waltzer made a motion to approve the plans as submitted. Ms. Myers seconded. Ms. Waltzer if these plans have been altered from the previous plans. Mr. Davies said that the look of the house is different but the basic plan is exactly the same. Ms. Waltzer was concerned about the Keileys concerns about "not looking" into the retaining wall. Richie Vail attested that this retaining wall is actually less intrusive. Ms. Enos asked where the 30 feet height starts and Mr. Vail said it starts at the grade, at the lowest point. Mr. Davies stated that there would be no septic tank or water or power to the house until the Sewer Treatment Plant is done. Vote was taken. All in favor. Motion approved.

Ms. Desidero discussed the question brought up at the last meeting by Mr. Colavito, regarding the "change of grade" on leased land. Ms. Desidero stated that she would write an article for the Vail's Voice informing stockholders of what is required by them from the Towns. After lengthy discussion, it was determined that this is governed by regulatory agencies and that Mr. Colavito will be able to read it in the Vail's Voice. Ms. Battreall is to inform Mr. Colavito of this being in the next Vail's Voice.

MEMBERSHIP:

Ms. Myers made a motion to approve the renewal of the lease at 19 Orchard Road from Christine Chiacchia to Lisa Varnberg for a year. Ms. Enos seconded. All in favor. Motion approved.

Ms. Myers made a motion to approve the re-financing application from Mr. and Mrs. Cull contingent upon receiving an appraisal that financing will not be more than 80% of the appraised value. Ms. Enos seconded. Vote was taken. Mr. Ryan abstained. All others in favor.

LONG RANGE PLANNING:

Ms. Scott sent this report to be read into the minutes:

We can happily report that the water main project from Ramp 2 to the Pavilion was successfully inspected and considered complete on October 30th. We have received the final bill. The contract stipulates we retain 5% of the contractual amount (approx. \$9,000.00) until final completion and acceptance of all work covered by the contract. The piping is complete and approved/accepted by Putnam County Health Department. All house connections are complete and in working order, according to Putnam County Engineering. The only unknown is the restoration work, i.e., grass growing, etc. Although Putnam County Engineering recommends we only keep 2.5%, the Committee recommends we keep the whole amount until the spring to ensure everything is in good working order throughout the winter and the grass grows back as promised.

Progress continues on the project for replacement of our two water tanks at the pump house. The design, engineers report and specs have been completed and signed and sent to the Department of Health last week. We expect approval and subsequent bid packages ready for release to contractors in early 2011. Our deadline for completion of this project is Spring 2011 and we are still on target.

As our Committee looks forward at projects that would improve and enhance the quality of life in Vail's Grove, we will send a survey to stockholders, listing some ideas already suggested for "nice to have" projects and requesting new ideas, which will go out before the end of the year. This will help us identify and prioritize projects as we move forward.

SOCIAL:

No report

SURVEY:

Ms. Waltzer reported that there is a possibility that we are being doubled charged for taxes by the Town of Southeast and that Bergendorff-Collins has said that for a fee of \$1,000, they can provide us with a map that shows the difference between leased land vs. Coop land, so we can analyze this. We would then have the documentation that we need to go to the Town of Southeast and attempt to get a rebate for monies charged. Ms. Waltzer made a motion for the Board to approve \$1,000 for Bergendorff-Collins to do this map. Ms. Myers seconded. Ms. Mytych asked if we would need to get a new

contract from Bergendorff-Collins. Mr. Duffy stated that we could request a bill from them showing the scope of work and the price. Ms. Battreall will request that from Bergendorff-Collins. Vote was taken. All in favor. Motion approved. Ms. Waltzer also reported that the outside field team is complete with their part of the Survey work and that hopefully, the last batch of surveys will go out by next week.

TREES:

Ms. Waltzer reported that if a tree falls and it has never been diagnosed, whosever property it is on is responsible for paying for the removal and damage. Ms. Waltzer made a motion that although Peggy Boyle's tree was indeed on her property, our Proprietary Lease states that the "elements" are responsible and therefore we cannot help to defray the cost on this. Mr. Ryan seconded. Vote was taken. Mr. Duffy abstained. All others in favor. Motion approved. Ms. Battreall will send a letter to the Boyles that we cannot help with these costs, as it would be setting a precedent. We will also inform Ms. Boyle that the Board appreciates everything she has done for us in the past regarding the WWTP and that the Board would love to be able to help, but we cannot do it. Ms. Desidero asked for a re-cap from the Tree Committee regarding what the Tree Committee would be doing going forward. Ms. Desidero stated that the Real Estate Chair would no longer be going out to Stockholders property to determine where a tree is located.

COMMUNITY LIASION:

No report

AESTHETICS:

No report

BEACH:

Mr. Cassidy will look at the shed that Mr. Gregory has offered to the Grove for the Beach to see if it is something we could use down at the Beach.

PUBLIC SAFETY:

No Report from Mr. Matachierri, but Ms. Desidero would like to further discuss in the future the possibility of there being no security on Halloween.

LEND A HAND:

No Report

WELCOME:

No Report

BOAT RAMP/STORAGE:

Mr. Ryan will now be the Chair of this Committee. The Board thanks John Myers for his service to this committee and community. Mr. Ryan discussed that there are some different options available out there for a log in/log out system. He will report on that in the future.

INSURANCE:

Mr. McGuinness reported that prior to the Executive Session, Mr. Pat Clair, our Insurance Broker, met with Board members and reviewed our various insurance coverage's in place for Vail's Grove.

PAVILION:

Mr. Witte made a motion to approve the request from Joan Ford to use the Pavilion for a New Years Eve Party once again this year. Ms. Myers seconded. Vote taken. All in favor. Motion approved.

NEW BUSINESS:

Mr. McGuinness asked to discuss the letter we received from Mr. Spennichia requesting line painting in the parking area by his house. Mr. Moore reported that a NO PARKING sign has been ordered and it was decided that Mr. Moore would ask Mr. Spennichia to give the "sign" a chance prior to doing line painting.

Meeting adjourned at 9:45 pm.